

RETURN DATE: JULY 12, 2022

JULIEMAR ORTIZ

VS.

**PATRICIA A. HOWARD, CHARLES
CLEMONS, JR., DENISE MERRILL**

**: SUPERIOR COURT
:
: J.D. OF FAIRFIELD
:
: AT BRIDGEPORT
:
:
:
:
: JUNE 24, 2022**

**TO: A JUDGE OF THE SUPERIOR COURT, JUDICIAL DISTRICT OF FAIRFIELD AT
BRIDGEPORT, 1061 MAIN STREET, BRIDGEPORT: COMPLAINT IN CONNECTION
WITH THE RULING OF AN ELECTION OFFICIAL IN CONNECTION WITH A PRIMARY,
CONN. GEN. STAT. § 9-329a.**

VERIFIED COMPLAINT

1. Plaintiff Juliemar Ortiz is a resident and elector of the City of Bridgeport and is seeking the nomination of the Democratic Party to run for the office of State Senator for the 23rd Senate District.
2. Defendant Patricia A. Howard is the Democratic Registrar of Voters for the City of Bridgeport, and she is named herein solely in her official capacity as an election official for purposes of Title 9 of the Connecticut General Statutes.
3. Charles Clemons, Jr. is the Town Clerk for the City of Bridgeport, and he is named herein solely in his official capacity as an election official for purposes of Title 9 of the Connecticut General Statutes.
4. Defendant Denise Merrill is the Secretary of the State, and by virtue of her office she is the

Commissioner of Elections for the state. She has the responsibilities for administering elections consistent with the Constitution and laws of the State of Connecticut and, where applicable, the United States. Conn. Gen. Stat. §§ 9-3, 9-4. Secretary Merrill is named herein solely in her official capacity.

5. On May 10, 2022, a Democratic Party Convention was held by delegates for the 23rd Senate District election, pursuant to the rules of the Connecticut Democratic State Central Committee and the Connecticut Democratic Party.
6. The purpose of the convention was to choose an endorsed candidate for the Senate seat, pursuant to Conn. Gen. Stat. §§ 9-381 et seq., and to determine if other candidates qualified to run in a primary on August 9, 2022, by virtue of their obtaining 15 percent of the votes of delegates present and voting.
7. Delegates to the convention are chosen by caucuses of registered Democrats from the towns that are included within the 23rd Senate District, Bridgeport and Stratford.
8. There are three ways for a candidate to qualify to be placed on the ballot for a primary election to the General Assembly.
9. First, the candidate who receives a majority of the delegates present voting at any roll call vote at a convention becomes the endorsed candidate and qualifies for the primary. Conn. Gen. Stat. 9-388.
10. Second, if another candidate receives the votes of at least 15 percent of the delegates present

and voting at any roll call vote, that candidate automatically qualifies to run in a primary against the endorsed candidate. Conn. Gen. Stat. § 9-400(b)(1).

11. Third, a candidate who did not receive at least 15 percent of the convention delegate votes can qualify by obtaining the petition signatures of at least five percent of registered party members in the district and for this election cycle file them by June 16, 2022. Conn. Gen. Stat. § 9-400(b)(2).
12. The convention was held on May 10, 2022, and the voting proceeded according to state law and the party rules.
13. Herron Gaston qualified for the primary as the endorsed candidate when he received a majority of votes of delegates present.
14. By virtue of his receiving over 15 percent of the votes of convention delegates, Dennis Bradley also qualified for the primary without submitting petition signatures.
15. Plaintiff thereafter on May 4, 2022, began the process of gathering petition signatures from eligible Democratic voters living in the district.
16. Plaintiff needed to submit 1,585 valid signatures by June 16, 2022, in order to qualify for the primary.
17. Plaintiff submitted 1,905 signatures on 140 separate petition sheets in a timely manner to registrars in Bridgeport and Stratford.
18. The registrar's duties in reviewing the petition signatures are set forth by statute:

19. Under Conn. Gen. Stat. § 9-404c(a):

Upon the receipt of any page of a petition proposing a candidacy for a state or district office, the registrar shall forthwith sign and give to the person submitting the petition a receipt, in duplicate, stating the number of pages filed and the date and time of filing. The person or the candidate shall forthwith send one copy of the receipt to the Secretary of the State. The registrar of voters shall indicate on each such petition page the date and time of filing, shall forthwith certify on each such page the number of signers of the page who were enrolled on the last-completed enrollment list of such party in the municipality or political subdivision, as the case may be, and shall forthwith file such certified page in person or by mail, as described in section 9-140b, with the Secretary within seven days after receipt of the page. In checking the signatures on primary petition pages, the registrar shall reject any name which does not appear on the last-completed enrollment list of such party in the municipality or political subdivision, as the case may be. Such rejection shall be indicated by placing a mark in a manner prescribed by the Secretary before the name rejected. The registrar may place a check mark before each name appearing on the enrollment list to indicate approval but shall place no other mark on the page except as provided in this chapter. The registrar shall not reject any name for which the street address on the petition is different from the street address on the enrollment list, if (1) such person is eligible to vote for the candidate or candidates named in the petition in the municipality of the registrar, and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record.

20. Under Conn. Gen. Stat. § 9-404b(d):

Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state. Each petition page shall contain a statement signed by the registrar of the municipality in which the circulator is an enrolled party member attesting that the circulator is an enrolled party member in the municipality. Unless such a statement by the registrar of voters appears on each page so submitted, the Secretary shall reject the page. Each separate page of the petition shall contain a statement as to the authenticity of the signatures on the page and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the page, setting forth the circulator's address and the town in which the circulator is an enrolled party member and attesting that each person whose name appears on the page signed the petition in person in the presence of the circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself or herself to the circulator and that the spaces for candidates supported, offices sought and the political party

involved were filled in prior to the obtaining of the signatures. Each separate page of the petition shall also be acknowledged before an appropriate person as provided in section 1-29. The Secretary shall reject any page of a petition filed with the Secretary which does not contain such a statement by the circulator as to the authenticity of the signatures on the page, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification required under this section by the registrar of the town in which the circulator is an enrolled party member. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of the petition, provided the individual's service as circulator does not violate any provision of this section.

21. On June 22, 2022, defendant Merrill notified plaintiff that the Bridgeport Democratic Registrar, defendant Howard, had disqualified 351 signatures, leaving plaintiff with 1,554 signatures that the Bridgeport Democratic Registrar deemed valid, or 31 signatures short.
22. The disqualification of substantially more than 31 signatures was wrongful and without justification for one or more of the following reasons:
 - a. Defendant Howard disqualified 40 petition signatures of Bridgeport electors who were at the time of their signatures registered Democratic voters in the district and thus entitled to have their signatures counted according to voter lists;
 - b. Defendant Howard disqualified three pages of petition signatures with a total of 49 signatures because of a claim that the circulator, Josue Saint-Fleur, was not registered as a Democrat at the time the petitions were circulated on June 5, 2022, when in fact he had completed a voter registration form as a Democrat on June 5, 2022, prior to circulating the petitions and he submitted to the defendant that voter registration form prior to turning into the petitions.

- c. Defendant Howard disqualified one sheet with three signatures properly circulated by a registered Democrat who was a resident of New Britain when the Democratic Registrar of New Britain neglected and failed to certify that the circulator was in fact registered as a Democrat at the time.
23. Plaintiff has asked Howard by electronic mail for an explanation of the reason for these disqualifications with no response.
24. Voters in the Democratic primary, including Ortiz, have a substantial constitutional and statutory interest and public interest in a fair and open primary among all candidates who have sufficient support, by convention or otherwise, to appear on the ballot, and disenfranchising those voters and Ortiz is not in the public interest and would violate their constitutional right to free association and political expression.
25. Ortiz is without an adequate remedy at law to remedy the above-described violations.
26. The rulings of Howard, the Democratic Registrar of Voters, disqualifying more than 31 signatures were rulings of an election official in connection with a primary for purposes of Conn. Gen. Stat. § 9-329a(a)(1).
27. A copy of this complaint will be forwarded to the State Elections Enforcement Commission.

WHEREFORE, plaintiff requests:

1. An order compelling the Secretary of the State to place the name of Juliemar Ortiz on

the primary ballot for the 23rd State Senate district, by means of this action under Conn. Gen. Stat. § 9-329a(b) a temporary and permanent injunction and by means of a writ of mandamus.

2. Such other relief to which the plaintiff is entitled at law or in equity.

THE PLAINTIFF


JULIEMAR ORTIZ

By 

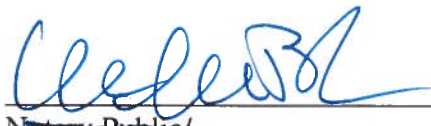
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VERIFICATION

I have read the foregoing Verified Complaint and to the best of my knowledge the facts pled therein are true.


JULIEMAR ORTIZ

Subscribed and sworn to before me this 24th day of June, 2022.


~~Notary Public~~
Commissioner of the Superior Court